

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA, Inc.,)
and TEVA PHARMACEUTICAL)
INDUSTRIES LTD.,)
Counterclaim Plaintiffs,)
v.)
ABBOTT LABORATORIES, FOURNIER)
INDUSTRIE ET SANTÉ, and)
LABORATOIRES FOURNIER S.A.,)
Counterclaim Defendants.)

C.A. No. 02-1512 (SLR)
(Consolidated)

PUBLIC VERSION

IMPAX LABORATORIES, INC.,)
Counterclaim Plaintiff,)
v.)
ABBOTT LABORATORIES, FOURNIER)
INDUSTRIE ET SANTÉ, and)
LABORATOIRES FOURNIER S.A.,)
Counterclaim Defendants.)

C.A. No. 03-120 (SLR)
(Consolidated)

IN RE TRICOR DIRECT PURCHASER)
ANTITRUST LITIGATION)

C.A. No. 05-340 (SLR)
(Consolidated)

THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

IN RE TRICOR INDIRECT PURCHASER)
ANTITRUST LITIGATION)

C.A. No. 05-360 (SLR)
(Consolidated)

THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

PROPOSED JURY INSTRUCTION

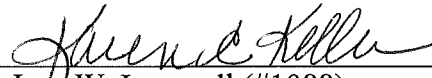
You will recall that the Competitor plaintiffs included the generic drug company Impax Laboratories, Inc.

Impax Laboratories, Inc. is no longer involved in this trial. You should not speculate as to the reasons for this.

As jurors, it is your duty to consider the issues between Plaintiffs Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries, Ltd., and Novopharm Ltd., and the Defendants under the instructions I give you after you have heard all of the evidence. The evidence might still concern the conduct of Impax Laboratories, Inc. and/or the effect of Defendants' conduct on Impax Laboratories, Inc.

Source: Fifth Circuit Model Jury Instruction 2.5 [amended]

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Novopharm Ltd.*

DATED: November 13, 2008

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on November 24, 2008, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on November 24, 2008, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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